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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,834	02/08/2002	Wai Choi Tang	016660-115	9561
7590	11/10/2008		EXAMINER	
James A. LaBarre			CAMPBELL, JOSHUA D	
BURNS, DOANE, SWECKER & MATHIS, L.L.P.				
P.O. Box 1404			ART UNIT	PAPER NUMBER
Alexandria, VA 22313-1404			2178	
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			11/10/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/067,834	TANG, WAI CHOI	
	<b>Examiner</b>	<b>Art Unit</b>	
	JOSHUA D. CAMPBELL	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 15 August 2008.  
 2a) This action is **FINAL**.                  2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-5,9-13,15,16 and 20-22 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-5,9-13,15,16 and 20-22 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

1. This action is responsive to communications: Request for continued examination filed 8/15/2008.
2. Claims 1-5, 9-13, 15, 16, and 20-22 are pending in this case. Claims 1 and 13 are independent claims. Claims 20-22 has been newly added. Claims 17-19 have been cancelled. Claims 1, 10, and 13 have been amended.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-5, 9-13, 20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Chasen et al. (hereinafter Chasen, US Patent Number 6,760,721, filed on April 14, 2000) has been withdrawn due to amendments

**Regarding independent claim 1,** Chasen discloses providing within a display window in an interface a visual display of a plurality of words arranged hierarchically into a plurality of levels based on a database of those words that exist in a common language structure (column 1, lines 39-50 and column 5, line 52-column 6, line 4 of Chasen). Chasen also discloses that a user may choose a word or words from a plurality of words, via either a keyboard (sequence of keystrokes) or a mouse, shown in said window and then outputting an output in response to the choice of a word or words (column 5, line 52-column 6, line 4 of Chasen). Chasen discloses that words that are chosen are then displayed in a second window on the visual display unit and in the second window the words chosen are displayed with at least a word of the immediately preceding level (when classical is selected the word classical is shown in the second window in conjunction with the word that immediately precedes it, genre, as is shown in Figure 1) (column 5, line 52-column 6, line 4 of Chasen). The table column “:Genre” containing the selection of “Classical” being a descriptor in the teachings of Chasen (Figure 1 and column 5, line 52-column 6, line 4 of Chasen). Chasen also discloses that the items can be described by a specific descriptor of their hierarchical location, which consists of preceding hierarchical level and the chosen words separated by a “-” (column 13, line 45-column 15, line 64 of Chasen). Chasen discloses that the words of a multilevel hierarchy can be integrated into a single text line, which consists of preceding hierarchical level and the chosen words separated by a “-” (column 13, line 45-column 15, line 64 of Chasen)

**Regarding dependent claims 2 and 3,** Chasen discloses that the user's computing device can be a personal computer or a personal digital assistant (column 6, lines 52-62 of Chasen).

**Regarding dependent claim 4,** Chasen discloses that the database of words provided exists and is provided from the memory of the user's processing apparatus (column 6, lines 22-29 and lines 49-52 of Chasen).

**Regarding dependent claims 5,** Chasen discloses that the output in response to the selection may be visual (showing items that fall under the classification of the word selected) and audible (playing the audio file designated by the word selected) (column 5, line 52-column 6, line 4 and column 8, lines 7-13 of Chasen).

**Regarding dependent claims 9 and 10,** Chasen discloses displaying a plurality of chosen words in the second window in a relational manner by allowing multiple words such as "Concerto" and "Reverie" to be added to a playlist window that exists in the same format as the window 130 in Figure 1, thus maintaining a relational display of the words selected based on the categories of classification provided (column 5, line 20-column 6, line 4 of Chasen).

**Regarding dependent claims 11 and 12,** Chasen discloses that words may be added to the database and any changes made to a word will be propagated throughout the database to all occurrences of a word in a database, thus allowing all occurrences to be changed (column 3, lines 43-58 of Chasen).

**Regarding independent claims 13,** Chasen discloses a program which when processed by a data apparatus provides within a display window in an interface a visual

display of a plurality of words arranged hierarchically into a plurality of levels based on a database of those words that exist in a common language structure (column 1, lines 39-50 and column 5, line 52-column 6, line 4 of Chasen). Chasen also discloses that a user may choose a word or words via either a keyboard (sequence of keystrokes) or a mouse, from a plurality of words shown in said window and then outputting an output in response to the choice of a word or words (column 5, line 52-column 6, line 4 of Chasen). Chasen discloses that words that are chosen are then displayed in a second window on the visual display unit and in the second window the words chosen are displayed with at least a word of the immediately preceding level (when classical is selected the word classical is shown in the second window in conjunction with the word that immediately precedes it, genre, as is shown in Figure 1) (column 5, line 52-column 6, line 4 of Chasen). The table column “:Genre” containing the selection of “Classical” being a descriptor in the teachings of Chasen, which provides the description that “Classical” is hierarchically preceded by the word “Genre” (Figure 1 and column 5, line 52-column 6, line 4 of Chasen). Chasen also discloses that the items can be described by a specific descriptor of their hierarchical location, which consists of preceding hierarchical level and the chosen word separated by a “-” (column 13, line 45-column 15, line 64 of Chasen). Chasen discloses that the words of a multilevel hierarchy can be integrated into a single text line, which consists of preceding hierarchical level and the chosen words separated by a “-” (column 13, line 45-column 15, line 64 of Chasen)

**Regarding dependent claim 20,** Chasen discloses processing the plurality of words displayed based on their interrelationships (column 1, lines 39-50 and column 5, line 52-column 6, line 4 of Chasen).

**Regarding dependent claims 21 and 22,** Chasen discloses that the words of the hierarchy are indexed based on a common root feature and grouped into at least one common category based on significance or meaning of the words (column 1, lines 39-50 and column 5, line 52-column 6, line 4 of Chasen).

#### ***Claim Rejections - 35 USC § 103***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claim 15 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Chasen et al. (hereinafter Chasen, US Patent Number 6,760,721, filed on April 14, 2000) has been withdrawn due to amendments

**Regarding dependent claim 15,** Chasen discloses the use of executable programmed instructions in order to perform the tasks of the invention of Chase. Chasen does not explicitly disclose the executable programs are stored on an optically readable data disc. However, it was notoriously well-known to use an optically readable data disc (such as a CD) to provide executable programs to a processing device at the time the invention was made. It would have been obvious to one of ordinary skill in the art, at the time the invention was made to have provided the program taught by Chasen

on an optically readable data disc because it would have increased the portability of the program because it would have allowed it to be easily transported computer to computer via the data disc.

7. Claim 16 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Chasen et al. (hereinafter Chasen, US Patent Number 6,760,721, filed on April 14, 2000) in view of Pfaffenberger et al. (hereinafter Pfaffenberger, "Microsoft Windows 98 and the Internet," published in 1999)

**Regarding dependent claim 16,** Chasen discloses that the items can be described by a specific descriptor of their hierarchical location, which consists of preceding hierarchical level and the chosen word separated by a "-" (column 13, line 45-column 15, line 64 of Chasen). Chasen does not explicitly disclose the use of the "\ symbol to describe the relationship of the item and the preceding hierarchical level by separating them with said "\ symbol. However, it is notoriously well known in the art at the time the invention was made that the "\ symbol was most commonly used to dictate the hierarchical levels between words by separating them in the format of preceding hierarchical item followed by a "\" symbol followed by the actual item (page 617, Figure 16-7 of Pfaffenberger, specifically the "Address" bar in relation to the selection made in the "All Folders" window). Thus, it would have been notoriously obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Chasen for using a "-" to separate hierarchically preceding elements with

the notoriously well-known teachings of Pfaffenberger because the “\” symbol would have provided a commonly used representation of hierarchical elements, thus it would have been more commonly understood by more users.

### ***Response to Arguments***

8. Applicant's arguments filed 8/15/2008 have been fully considered but they are not persuasive.

Regarding the applicant's arguments on page 8-10, in reference to the newly amended limitation involving a “common language structure,” the examiner respectfully. There is no definition of any kind in the applicant's specification for what the term “common language structure” could possibly encompass. Thus, the examiner can find no reason why the term “common language structure” has any meaning that would possibly overcome the teachings of Chasen. In this case, the teachings of Chasen are based on a hierarchy represented by the common English words that represent the categories of the hierarchy (Artist, Album, Genre, Classical, Pop, Rock), which by definition all exist in the common language structure of the English language. Thus, it is clear that the rejection based on the teachings of Chasen must be maintained.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA D. CAMPBELL whose telephone number is (571)272-4133. The examiner can normally be reached on M-F (7:30 AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joshua D Campbell/  
Primary Examiner, Art Unit 2178  
November 7, 2008